UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/47/599
3 November 1992
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Forty-seventh session
Agenda item 22

THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

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I. INTRODUCTION

1. The present report is submitted to the General Assembly pursuant to paragraph 6 of its resolution 46/7 of 11 October 1991, on the situation of democracy and human rights in Haiti. Section II of the report covers the international community's efforts to resolve the Haitian crisis; section III provides a brief overview of the human rights and humanitarian situations in Haiti one year after the coup d'état. The replies of Member States to the memorandum of 8 September, requesting them to indicate any measures taken in support of the resolutions of the Organization of American States (OAS), in accordance with paragraph 4 of resolution 46/7, will be issued separately in an addendum to this report (A/47/599/Add.1).

II. INTERNATIONAL EFFORTS AND MAJOR DEVELOPMENTS IN HAITI SINCE THE COUP D'ETAT

2. The President of Haiti, Jean-Bertrand Aristide, democratically elected on 16 December 1990 by 67.48 per cent of Haitian voters in an election whose validity had been upheld by the United Nations, OAS and the Caribbean Community (CARICOM), took office on 6 February 1991, five years after the departure of Jean-Claude Duvalier. It was hoped that the election would put an end to a long period encompassing the Duvalier dictatorship followed by five years of political instability under five different regimes and that it would mark the beginning of an era of democracy and economic and social progress. However, on 30 September 1991, President Aristide was overthrown in a coup d'état and forced into exile.

A. Reaction of the international community to the coup d'état

3. On the day the coup, while the whereabouts of President Aristide were still unknown, the Permanent Council of OAS adopted resolution CP/RES.567 (870/91) in which the Council, inter alia, condemned the coup and its perpetrators, demanded adherence to the Constitution and respect for the legitimate Government, the physical safety of the President and the rights of the Haitian people, and called for the reinstatement of the President in the exercise of his constitutional authority. In addition, the Council decided to convene an ad hoc Meeting of Ministers of Foreign Affairs, pursuant to resolution AG/RES.1080 (XXI-0/91), on representative democracy, adopted by the General Assembly of OAS at its twenty-first regular session, held at Santiago, Chile, on 5 June 1991.

4. That same day, the Secretary-General of the United Nations made a brief statement to journalists with which the President of the Security Council associated himself. Concerned about the fate of President Aristide and the serious threats to the democracy which the Haitian people, with the help of the United Nations, had just established, the Secretary-General expressed the

hope that calm would soon be restored and that the democratic process would be pursued in accordance with the Constitution.

5. Meeting on 2 October, the OAS Ministers for Foreign Affairs heard a statement by President Aristide, and on 3 October they adopted resolution MRE/RES.1/91 in which they demanded, inter alia, the immediate reinstatement of President Aristide in the exercise of his legitimate authority. The Ministers also recommended the diplomatic, economic and financial isolation of the de facto authorities and the suspension of any aid except that provided for strictly humanitarian purposes. They decided to dispatch a mission to Haiti and provided for the possibility of taking additional measures at a subsequent time. Lastly, they urged the United Nations and its specialized agencies to consider the spirit and aims of the resolution.

6. On 3 October, President Aristide addressed the United Nations Security Council. The President of the Council made a statement condemning the coup, calling for the restoration of the legitimate Government, supporting the efforts of OAS and expressing the hope that the President would soon return to his country and resume his functions (S/PV.3011).

7. On 4 October, a high-level OAS delegation arrived in Haiti and met with representatives of various groups within the country. The delegation's negotiations with the High Command of the Haitian Armed Forces were interrupted on 7 October when soldiers burst in and ordered the delegation members to leave the country immediately.

8. The following Monday, 7 October, the two chambers of the Haitian Parliament, meeting as the National Assembly, invoked, under pressure from the military, article 149 of the Constitution and named Judge Nérette "Acting President", granting him a mandate to organize new elections. That evening, a statement from the Haitian Army reiterated that the return of President Aristide was not negotiable. On 10 October, Mr. Nérette appointed Mr. Jean-Jacques Honorat "Prime Minister", an appointment which was confirmed by the Senate on 12 October and by the Chamber of Deputies on 14 October.

9. On 8 October, the OAS Ministers for Foreign Affairs adopted a second resolution (MRE/RES.2/91) in which they, inter alia, condemned the decision to replace the President illegally, declared unacceptable any Government that might result from that situation and any representative of such a government, and urged member States to freeze the financial assets of the Haitian State and to impose a trade embargo on Haiti, except for humanitarian aid. The Ministers also decided to constitute, at the request of President Aristide, a civilian mission, known as OEA/DEMOC, to re-establish and strengthen constitutional democracy in Haiti, stipulating that the security of the mission must be guaranteed. Finally, they called upon the States Members of the United Nations to adopt the same measures. (See A/46/550-S/23127, annex.)

10. On 11 October, the United Nations General Assembly adopted by consensus resolution 46/7, in which it, first of all, condemned the attempted illegal replacement of the constitutional President of Haiti, the use of violence and

military coercion and the violation of human rights in Haiti; affirmed as unacceptable any entity resulting from that illegal situation; and demanded the immediate restoration of the legitimate Government of President Aristide, the application of the Constitution and thus the full observance of human rights in Haiti. The Assembly also requested the Secretary-General of the United Nations to consider providing the support sought by the Secretary-General of the Organization of American States in implementing the mandates arising from resolutions MRE/RES.1/91 and MRE/RES.2/91 adopted by that organization. The Assembly appealed to Member States to take measures in support of the OAS resolutions and emphasized that increased cooperation, when constitutional order was restored in Haiti, would be necessary to support its development efforts in order to strengthen its democratic institutions. Finally, the Assembly requested the Secretary-General to submit to it the present report and decided to keep open the consideration of the item until a solution to the situation was found.

B. Efforts of Mr. Ramírez Ocampo

11. At the same time, negotiations were being carried out on behalf of OAS by the former Minister for Foreign Affairs of Colombia, Mr. Ramírez Ocampo. At the conclusion of Mr. Ramírez Ocampo's first visit to Haiti, from 10 to 13 November 1991, the Commander-in-Chief of the Army, General Cédras, agreed to abide by the decisions of the constitutional civilian authorities, and the Parliament agreed to negotiate directly with President Aristide at Cartagena, Colombia. The joint declaration signed by the head of the OAS mission and the Presidents of the two chambers also made reference to the dispatching of two OAS missions to Haiti - a humanitarian mission to study the impact of the embargo and another mission to study human rights violations before and after the coup. OAS had dealt exclusively with the Parliament, the only representative institution remaining on Haitian soil, and had negotiated with a crisis committee composed of the Presidents of the two chambers and approximately 10 members of Parliament.

12. The meeting at Cartagena took place from 22 to 24 November, when the two sides parted without having reached agreement on a joint communiqué. The parliamentarians had nevertheless accepted President Aristide's return in principle, even though they had not wished to say so explicitly. While the President had reportedly been willing to choose a new prime minister, with the Parliament's approval, the parliamentarians demanded an immediate lifting of the embargo, a decision President Aristide would not consider until the new Government had been installed.

13. Mr. Ramírez Ocampo then raised the issue of choosing a new prime minister who would be acceptable to all. The 12 candidates proposed by President Aristide were rejected by the parliamentary crisis committee, which had put forward the names of Mr. Marc Bazin, leader of the Mouvement pour l'instauration de la démocratie en Haïti (MIDH) and a candidate of the Alliance nationale pour la démocratie et le progrès (ANDP) in the presidential elections, in which he had placed second with 14.22 per cent of the votes, and

Mr. René Théodore, General Secretary of the Parti unifié des communistes haïtiens (PUCH) and a candidate of the Mouvement pour la reconstruction nationale (MRN), which had obtained 1.83 per cent of the votes. The President of the Chamber of Deputies, Mr. Duly Brutus, whose name had also been mentioned, announced that he was not a candidate. With the support of some 50 parliamentarians, President Aristide then proposed the candidacy of Mr. Victor Benoit, Chairman of the Comité national du congrès des mouvements démocratiques (CONACOM), a member organization of the Front national pour le changement et la démocratie (FNCD), which had the support of the largest group within the Parliament. On 21 December, that candidacy was rejected by the President of the Senate and some 30 parliamentarians during a stormy meeting at which Mr. Ramírez Ocampo was present. On the following day, Mr. Ramírez Ocampo announced that President Aristide would accept the candidacy of René Théodore if it was endorsed by the Parliament.

14. After that statement, President Aristide, who was surprised that Victor Benoit's candidacy had not been submitted to the full Parliament, clarified his position by explaining that he would consider the candidacy of René Théodore only if the name of his latest candidate was rejected first. The FNCD parliamentarians, in turn, wrote to the Secretary-General of OAS to suggest that a new mission head should be appointed and to ask him to provide security for the parliamentarians so that they could all vote in complete freedom. In fact, following the coup d'état, parliamentarians who had supported President Aristide's return had been subjected to a campaign of intimidation: one deputy had been killed, others had been threatened and some had been obliged to go into hiding, while the army had not hesitated to surround and even to enter the Parliament.

15. On 7 and 8 January 1992, further talks were held at Caracas, after which agreement was reached with President Aristide on the name of Mr. René Théodore.

16. The negotiations were then stalled for several weeks. Although the President had agreed to the candidacy of one of his harshest critics, he refused to keep General Cédras and the officers who had taken part in the coup d'état in their posts, since he believed that they should be either judged or exiled. He also requested that a date should be set for his return and that other questions should be discussed, including the composition of the Government and his programme of reforms. René Théodore, meanwhile, held that the appointment of General Cédras to head the army, having been approved by Parliament, could not be revoked by the executive branch alone. He also felt that President Aristide's actual return hinged on a process for which a timetable could not be drawn up. It had been planned that the two men would meet in Washington on 18 January 1992, at the initiative of OAS and in the presence of a parliamentary delegation made up of the Presidents of the two chambers; that meeting did not take place, however, because the Haitian parliamentarians and the prospective Prime Minister had declined to attend.

17. On 25 January, plain-clothes policemen killed one of René Théodore's bodyguards in cold blood and brutally assaulted a number of politicians who were meeting at MRN headquarters. General Cédras energetically condemned this

aggression, as did the de facto Government, which called for the arrest of a corporal and the opening of an investigation. It became increasingly clear, however, that at least a part of the army was implacably opposed to President Aristide's return, even at a later date.

C. The protocols of agreement of 23 and 25 February 1992

18. On 21 February 1992, negotiations between President Aristide and the Presidents of the two chambers of the Haitian Parliament, Mr. Déjean Bélizaire and Mr. Alexandre Médard, were resumed at OAS headquarters in Washington. On 22 February, the President met with René Théodore. On 23 February, the first protocol between President Jean-Bertrand Aristide and the parliamentary negotiating commission was signed with a view to finding a definitive solution to the Haitian crisis.

19. Among other matters, the protocol recognized the necessity for:

(a) The Haitian Parliament to reinstate Jean-Bertrand Aristide in the exercise of his function as the constitutionally elected President of the Republic of Haiti, and undertake to assist the Government of national consensus to bring about the conditions for the return of Jean-Bertrand Aristide to Haiti;

(b) President Jean-Bertrand Aristide to respect the decisions taken and acts ratified by the Haitian Parliament and to agree that, during his absence, the Prime Minister should take over management of the affairs of State;

(c) The two parties to proclaim a general amnesty, save for common criminals, to accept the new consensus Prime Minister, to request the lifting of the embargo and sanctions immediately after confirmation of the Prime Minister and installation of the Government of national consensus, to recommend to Parliament that it should, as a matter of urgency, approve the request of President Jean-Bertrand Aristide to OAS to send the civilian OEA/DEMOC mission to Haiti, to request OAS and the international community to provide the Government of national consensus with substantial assistance as a matter of urgency, and to reject and condemn any intervention by foreign armed forces in the settlement of Haitian affairs.

20. On 24 February, President Aristide stated that he held General Cédras to be primarily responsible for the military coup d'état and said that he would do everything in his power to remove him. He pointed out that the general amnesty envisaged by the protocol of agreement excluded common criminals. Asked whether he considered General Cédras to be a common criminal, he replied that that was part of the agreement. Three days later, he reaffirmed that the General could not benefit from the amnesty because he had committed a crime against humanity.

21. On 25 February, President Aristide signed a second protocol of agreement with the Prime Minister-designate, René Théodore. Among other things, this

protocol provided that once his appointment was confirmed, the Prime Minister would work to create the conditions for the return of President Jean-Bertrand Aristide, with whom he would meet, meanwhile, every two weeks where possible. The protocol provided that, in any event, a meeting would be held with the Secretary-General of OAS one month after the confirmation of the Prime Minister to determine the modalities of the return of the President of the Republic. The composition and the programme of the Government of national unity would be drawn up jointly by the President of the Republic and the Prime Minister. On 27 February, the Prime Minister-designate announced that General Cédras had agreed to the negotiated solution to the crisis set out in the Washington agreement. In a letter addressed to René Théodore, the Commander-in-Chief once again proclaimed the army's neutrality with regard to the agreement.

22. The national radio and television stations then waged a campaign against the agreement of 23 February, which was condemned as unconstitutional by "President" Nérette on 6 March.

23. After several adjournments, the session at which the National Assembly was to ratify the Washington protocol of agreement was held on 18 March 1992. After four hours of debate, some parliamentarians left the chamber, and a vote was precluded by the absence of a quorum. Apparently, during the meeting the parliamentarians had been attacked by armed men in civilian clothes. The provisional Government, for its part, denied having distributed sums of money to certain parliamentarians. The President of the Senate announced that he would reconvene the National Assembly as soon as possible. However, the Assembly was never called on to consider the protocol, which was therefore never put to the vote.

24. On 27 March, the Court of Cassation declared the Washington agreement unconstitutional. Some parliamentarians and political parties vehemently protested the decision.

D. The tripartite agreement

25. On 8 May 1992, the tripartite agreement on the formation of a Government of consensus and public redemption for the consolidation of democracy was signed at the Villa d'accueil by the provisional Government, the Presidents of the Senate and the Chamber of Deputies and the Commander-in-Chief of the armed forces of Haiti. The agreement did not mention either President Aristide or the Washington protocols of agreement. It stated that the future Prime Minister must, inter alia, have a solid background in national public administration, a provision that was intended to exclude René Théodore. It directed the new "Government of consensus" to pursue the negotiations, to put an end to Haiti's diplomatic isolation and to obtain the lifting of the embargo, while working for social peace, economic recovery and the strengthening of democratic institutions. Lastly, it provided for the resignation of the provisional "President", Judge Nérette. From the outset, this agreement was rejected by OAS and a number of countries, including the

United States of America and France. Nevertheless, following the amendment of the provisions relating to the resignation of the provisional President, it was ratified on 20 May by the Chamber of Deputies, in the absence of the Front national pour le changement et la démocratie (FNCD), which had refused to participate in the final two days of negotiations and had boycotted the voting. It was decided that the office of President would not be filled until such time as a definitive and comprehensive solution to the Haitian crisis was found. On 22 May the agreement was ratified by the Senate by 9 votes to 2, with 3 abstentions, and with 13 out of 27 senators absent.

26. On 2 June, pursuant to the tripartite agreement, Marc Bazin was chosen by consensus to be "Prime Minister". In a communiqué dated 3 June, OAS rejected his appointment on the grounds that it represented a continuation of the coup d'état. Bazin's appointment was also condemned by President Aristide and by a number of countries, including the United States and France. In the absence of FNCD, which considered the tripartite agreement unconstitutional, the appointment was confirmed by the Senate on 4 June by 12 votes to 1, with the President not voting, and by the Chamber of Deputies on 10 June by 44 votes to 4, with 35 out of 83 deputies absent. The new "Government" was made up of individuals from five political groups and a few independents. "President" Nérette resigned on 19 June, and Bazin was sworn in at an investiture ceremony at which no foreign diplomats except the Apostolic Nuncio were present.

E. Reinforcement of sanctions

27. On 1 April 1992, the Permanent Council of OAS adopted a declaration in which it called upon member States to reinforce the embargo and to freeze the private assets of Haitians who had supported the putsch. It called for an urgent meeting of the Ministers for Foreign Affairs.

28. On 18 May, the Ministers for Foreign Affairs of OAS adopted another resolution, MRE/RES.3/92, aimed at reinforcing the embargo, in which they recommended, inter alia, that member States should deny access to their ports by ships that had engaged in trade with Haiti, take measures to prevent violations of the embargo by air and punish the perpetrators and supporters of the coup by denying them visas to enter those States and freezing their financial assets. The Ministers called on all States having economic and commercial ties with Haiti, including the countries of the European Economic Community (EEC), to take further steps to reinforce the effectiveness of the embargo and requested the cooperation of international financial institutions and the United Nations in applying the new sanctions.

F. Correspondence between President Aristide, the Secretary-General of the United Nations and the Secretary-General of the Organization of American States

29. On 3 June 1992, President Aristide addressed a letter to the Secretary-General of the United Nations calling on the United Nations to assist OAS in achieving effective implementation of the resolutions it had adopted, particularly compliance with the embargo and the dispatch to Haiti of a multidimensional mission. Pursuant to his mandate under General Assembly resolution 46/7, the Secretary-General of the United Nations transmitted the letter to the Secretary-General of OAS with the renewed assurance that he stood ready to assist in efforts to resolve the Haitian question and, specifically, to participate in a joint mission such as that suggested by President Aristide.

30. On 10 July, the Secretary-General of the OAS replied to the letter from the Secretary-General of the United Nations. He recalled that one of the basic purposes of OAS under its Charter was the defence of democracy and that its General Assembly had provided, in its resolution 1080/91, for a mechanism to operate in case of events which provoked an abrupt or irregular disruption of the democratic process. He emphasized the intense effort being mounted within OAS to resolve the crisis in Haiti. He called for renewed and growing support from the States Members of the United Nations for the OAS sanctions, sought the Secretary-General's views as to possible ways of increasing the cooperation between the two organizations in the area of human rights and of strengthening their common efforts on behalf of refugees, and encouraged the United Nations to participate in his proposed mission to Haiti.

31. On 15 July, the Secretary-General transmitted the exchange of correspondence to the President of the Security Council and informed him that he had decided to accept the offer of the Secretary-General of OAS to include participation from the United Nations in his proposed mission to Haiti (see S/24340). In a letter dated 29 July (S/24361), the President of the Security Council informed the Secretary-General that the members of the Council had taken note of his letter at the informal consultations held on 20 July.

G. The Florida Declaration and the Presidential Commission

32. From 26 to 29 June 1992, a meeting between President Aristide and a number of Haitians took place at Miami, Florida, following which a declaration entitled "For National Harmony: The Florida Declaration" was issued. After denouncing once again the tripartite agreement, the recourse to violence and the pressure brought to bear on Parliament, the Declaration called for a strengthening of international efforts to enforce respect for civil and political liberties and for a dialogue among Haitians with a view to forming a Government of unity and allowing the constitutional President to return to Haiti. Among other things it sought the rapid deployment of the OEA/DEMOC mission with United Nations support, the dispatch of a joint mission of the

Inter-American Commission on Human Rights and the United Nations Commission on Human Rights, and the appointment by the Secretary-General of the United Nations of a senior official to deal with refugees. It invited the Secretary-General of OAS to become personally involved in the matter and to go to Haiti as soon as possible to discuss the setting up of the OEA/DEMOC mission with the Haitian Parliament. It further requested him to entrust the organization of that mission to an eminent person and to deploy the mission in Haiti in July.

33. On the basis of the Declaration, a 10-member Presidential Commission was established in Haiti on 6 July. Under the leadership of its coordinator, Father Antoine Adrien, it was directed to begin a dialogue with the various groups in Haitian society that sought a quick and democratic resolution to the crisis, not excluding the possibility of talks with the army. On 10 August the Commission issued a set of proposals for overcoming the Haitian crisis, which were presented as the "codification of the Washington Accords as updated in the Florida Declaration". Emphasizing the need to "establish an area of freedom", it asked for the OEA/DEMOC mission to go ahead. Mr. Bazin, who had offered to appoint his own commission to engage in a dialogue with the Presidential Commission, ultimately decided not to do so.

H. Mission by the Secretary-General of OAS to Port-au-Prince, United Nations participation and follow-up to the mission

34. Briefed by an OAS technical mission that had gone to Haiti on 22 July 1992, a high-level mission led by the Secretary-General of OAS spent the period from 18 to 21 August in Port-au-Prince. Its membership included the Ambassadors of Argentina, Bolivia, Costa Rica, the United States of America and Venezuela to OAS, and representatives of Canada, Trinidad and Tobago, CARICOM, the European Community and the Inter-American Commission on Human Rights and a representative of the Secretary-General of the United Nations. The mission met with the various elements of Haitian society, including the Presidential Commission, the Parliament, the General Staff of the Haitian Armed Forces, the "Prime Minister" of the de facto Government, the Platform of Haitian Organizations for the Defence of Human Rights, churches, political parties, unions and the private sector. The mission discussed the role of the OES/DEMOC mission and the question of the embargo in the context of the negotiating process and expressed its determination to continue trying to facilitate dialogue between the parties. It also decided to recommend an increase in humanitarian assistance. Finally, the mission expressed its deep concern at the acts of repression and violence reported to it. Upon returning to Washington on 22 August, the mission met with President Aristide.

35. On 27 August the Secretary-General of OAS submitted his report to the Permanent Council. He invited President Aristide and Mr. Bazin to appoint personal representatives to initiate a dialogue under his sponsorship, thereby laying the groundwork for a settlement of the crisis. He acknowledged that the embargo was being largely ignored and had failed to provide the desired

effect. He recalled, however, that it had been recommended by the OAS Ministers for Foreign Affairs as a means of ensuring the return of democracy to Haiti and that those who were manipulating it should be dealt with. He called for the rapid dispatch of the OES/DEMOC and Inter-American Commission on Human Rights missions. Finally, he emphasized the concern for professional expertise raised by the High Command of the Haitian Armed Forces.

36. From 1 to 4 September, talks were held in the presence of the Secretary-General of OAS in Washington, between the emissaries of the two parties, Father Antoine Adrien, coordinator of the Presidential Commission, and Mr. François Benoit, "Minister for Foreign Affairs" of the de facto Government. Mr. Benoit had been instructed to prepare for a summit meeting between President Aristide and Mr. Bazin. Father Adrien insisted that the OEA/DEMOC mission should be deployed as a matter of urgency. No documents were signed at the conclusion of the talks, but the proposal by the Secretary-General of OAS to send an initial group of civilian observers to Haiti was favourably received by both parties. While President Aristide would have preferred a much larger mission than the one proposed, he agreed to what he termed a step in the right direction. On 10 September the de facto Government gave its consent to the sending of 18 observers to Haiti, their mission being to help diminish violence from any source, to promote respect for human rights, to facilitate the distribution of humanitarian assistance and, in general, to assess the progress being made towards a resolution of the Haitian crisis.

37. On 16 September, six OAS observers joined their five colleagues already in Port-au-Prince; the remaining seven were to follow. OAS emphasized that they were the beginning of the "OAS civilian presence in Haiti", the name OAS/DEMOC having been dropped, and that they would be progressively deployed throughout the country, two to a department. However, it had been agreed that if any observers in addition to the original team of 18 were to be sent, a new agreement would be needed. The multinational team is headed by Colin Granderson, director of political affairs in the Ministry for Foreign Affairs of Trinidad and Tobago. Several Haitian political figures vigorously protested the observers' arrival, including former President Manigat. One observer was sent home at the request of the Haitian authorities. The rest remained in Port-au-Prince waiting to leave for the destinations outside the capital. The de facto Government set up an inter-ministerial Commission made up of representatives of the Ministries of Foreign Affairs and Justice and a representative of the army to "maintain permanent contact with the members of the OAS civilian mission in Haiti and to provide them with the support necessary for the success of their mission". It confirmed that the safety of the observers would be guaranteed by the army in cooperation with the Government.

38. Since early October, the former Prime Minister of Jamaica, Mr. Michael Manley, has been in contact with both parties with a view to facilitating the dialogue OAS seeks to encourage so that a political solution to the Haitian crisis might be found.

I. Recent developments at the United Nations

39. On 10 September 1992, the Secretary-General informed the members of the Security Council during informal consultations that his representative had taken part in the OAS mission, that the parties did not seem to have come closer together, that OAS was planning to deploy a first group of observers in Haiti and that it had decided to maintain the embargo. He concluded by saying that he intended to continue cooperating with the Secretary-General of OAS and stood ready to lend any other assistance that might lead to a solution to the crisis.

40. On 21 September, the spokesman for the Secretary-General reported that the Secretary-General had received communications from the so-called Haitian Government, which included purported credentials for a delegation to the forty-seventh session of the General Assembly. He stated that, since by its resolution 46/7 of 11 October 1991 the General Assembly had affirmed as unacceptable any entity resulting from the attempted illegal replacement of the constitutional President of Haiti and had demanded the immediate restoration of the legitimate Government of President Jean-Bertrand Aristide, the purported credentials from the so-called Government of Haiti in Port-au-Prince were not receivable from the legal point of view and were of no legal consequences to the United Nations.

41. On 29 September, one year after the coup that removed him from power, President Aristide addressed the General Assembly. In his statement he called for a strengthening of the embargo and an end to the import of weapons into Haiti, by means of a blockade if necessary. He expressed the hope that the United Nations would inquire into violations of fundamental human rights committed since 30 September 1991 and would cooperate in Haiti with the Organization of American States (A/47/PV.17).

III. OVERVIEW OF THE SITUATION IN HAITI ONE YEAR AFTER THE COUP D'ETAT

A. Human rights situation

42. The OAS mission, in which a representative of the Secretary-General of the United Nations participated, visited Haiti from 18 to 21 August 1991. It would be impossible on the basis of such a brief stay to provide a first-hand report of the human rights situation prevailing in Haiti a year after the coup or to evaluate the impact of the embargo imposed by OAS. The human rights situation in Haiti is the subject of an interim report to the General Assembly by the Special Rapporteur appointed by the Commission on Human Rights (A/47/621). This section will, therefore, limit itself to an expression of the concerns of the Secretary-General, based on information received by his representative during the OAS mission to Haiti from human rights organizations in that country, and on reports by major international human rights organizations, such as Americas Watch, Amnesty International, the Lawyers Committee for Human Rights, the National Coalition for Haitian Refugees and Physicians for Human Rights.

43. The reports convey a pattern of gross and widespread human rights abuses during the year since the coup d'etat. These include extra-judicial executions, severe ill-treatment amounting to torture and arbitrary and illegal arrests; abuses by members of the security forces and civilians in collusion with them acting with total impunity; intense harassment and intimidation of journalists, human rights monitors, lawyers, priests, nuns and grass-roots leaders; reprisals against popular expressions of support for President Aristide and restrictions on the right of freedom of association. The system of section chiefs (chefs de section), notorious for its arbitrariness and rapaciousness, which had been dissolved by the Aristide Government, has reportedly reasserted itself in the countryside. Extortion of money from civilians to avoid arrest or ill-treatment, to secure improved prison conditions, or to obtain release from prison appears to have become widespread. Outside interference in Haiti's judicial process has reportedly intensified since October 1991. The system of justice, traditionally inefficient and currupt, lies in tatters, making it impossible for the population to seek redress before the courts.

B. Humanitarian situation

44. Disturbing information about the economic and humanitarian situation in Haiti is contained in the proposed United Nations integrated plan of humanitarian action, prepared in October by an inter-agency committee under the direction of the Department of Humanitarian Affairs of the United Nations Secretariat. This information should be noted here, if only briefly, in order to provide a fuller understanding of the situation obtaining in Haiti today.

45. The country's economy is in a state of free fall. Tens of thousands of jobs have been cut in the industrial and services sector, the informal sector is in a state of collapse and the unemployment rate, always high, has risen even higher. Farmers have seen their income diminish, and many small farmers have had to use up their seed reserves and sell their animals, their tools and even their land. In addition, deforestation has accelerated, and soil erosion has grown worse. Since the onset of the crisis, charcoal production has increased by 40 per cent, which means that an additional 7,500 trees are cut down each month. Current consumer prices have also risen, with a concomitant decline in household purchasing power.

46. This reduction in family purchasing power, together with shrinking imports of foodstuffs and fertilizers and the lack of fuel, which limits the ability to transport goods to the places where they are consumed, have caused the food situation, already precarious, to deteriorate further since October 1991. Malnutrition affects the most vulnerable groups of society most severely, particularly young children. There is also a threat of famine, after two years of drought, in certain regions such as the North-West.

47. The scarcity of fuel and electricity and the decline in purchasing power, coupled with the partial suspension of priority programmes financed through external cooperation, have likewise led to a deterioration in the health

situation. The supply of medicines and immunization programmes in particular have suffered serious disruptions, while there is a growing risk of disease from the increasing lack of safe drinking water.

48. The educational system is also experiencing serious financial difficulties, and a number of schools have had to close their doors. Teachers, who are ill-paid, do not come to work or resign, and school attendance rates are declining. It is estimated that at least 135,000 children have had to leave school as a result of the crisis.

49. Faced with the seriousness of the situation, the eight United Nations agencies still maintaining a presence in Haiti have established an inter-agency committee under the direction of the Department of Humanitarian Affairs. This committee has drawn up a draft integrated plan of humanitarian action. For its part, OAS established a coordinating committee for humanitarian assistance to Haiti on 23 July 1992; the Department of Humanitarian Affairs has participated in the meetings of this committee and has appointed two consultants to submit a report. Both organizations, which are committed to collaborating closely in this area of vital importance to Haiti's survival, are currently studying specific ways in which such cooperation can take place.

C. Refugees

50. The political, economic and humanitarian situation described above explains why numerous Haitians seek, at the risk of their lives, to flee their country. Without addressing the question of Haitian refugees, this report concludes with a few figures provided by the Office of the United Nations High Commissioner for Refugees (UNHCR): Some 38,315 boat people have been intercepted by the United States Coast Guard, of whom 27,104 have been repatriated by force and 11,617 have been admitted as asylum seekers. Since 24 May 1992, Haitian boat people intercepted on the high seas have been returned to Haiti without any preliminary questioning, a decision which the High Commissioner has deplored and which is now before the Supreme Court. UNHCR has helped nearly 6,000 persons who have been voluntarily repatriated and will soon open offices at Port-au-Prince and Santo Domingo.